

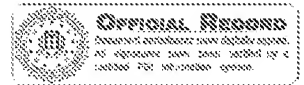
FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
Civil Action# 18-cv-1129

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UNCLASSIFIED



FEDERAL BUREAU OF INVESTIGATION
Electronic Communication

Title: (U) Litigation Referral Memo**Date:** 05/23/2013**From:** GENERAL COUNSEL
D9-CLU2**Contact:** **Approved By:** UC

b6 -1

Drafted By: **Case ID #:** 197A-HQ-A2877042 (U) Nada Prouty Prepublication Issue~~—PRIVILEGED ATTORNEY/CLIENT COMMUNICATIONS OR ATTORNEY WORK PRODUCT—~~

Do not disseminate outside the FBI without the permission of the Office of the General Counsel.

Synopsis: (U) Litigation Referral Memo and accompanying exhibits.**Package Copy:** (U) Litigation Referral Memo and accompanying exhibits.**Enclosure(s):** Enclosed are the following items:

1. (U) Litigation Referral Memo
2. (U) Exhibits
3. (U) Exhibits
4. (U) Exhibits
5. (U) Exhibits
6. (U) Exhibits

Details:

This EC forwards a copy of a litigation referral memo and accompanying exhibits for this matter.

◆◆

UNCLASSIFIED

1-24

PREPUBLICATION REVIEW

(1) 1020 (FBI 2020 MAOP, Part I, 1-16 (Outside Employment); 1-18 (Political Activities); 1-26 (Employee Public Speech Rights and Obligations); 1-27 (Service as an Expert Witness); 20-6 (Outside Employment), and 20-28.3 (Administration and Requirements of PTAP)). See also 28 CFR Section 17.144 (Nondisclosure of Classified Information) and 5 CFR Part 2635 (Standards of Conduct).]

(2) BACKGROUND (See MAOP, Part I, 1-14 (4).)

(a) This section promulgates regulations and provides guidance on the FBI's prepublication review program. It applies to both current and former employees and is meant to regulate individual conduct as well as to set forth organizational policy.

(b) As a condition of employment, all FBI personnel signed an "Employment Agreement" (FD-291) in which they promised to ever divulge, publish, reveal, or otherwise disclose any information or material from or relating to FBI files or any other information acquired by virtue of their official employment, duties, or status, without the written permission of the Director. Each employee also promised to present the full text of any proposed disclosure in writing for the Director's consideration at least 30 days in advance of the proposed disclosure. BREACH OF THESE OBLIGATIONS IS GROUNDS FOR DISCIPLINARY ACTION, A CIVIL SUIT AGAINST THE OFFENDER, OR BOTH. IN SOME INSTANCES, UNAUTHORIZED DISCLOSURE MAY ALSO CONSTITUTE CAUSE FOR REVOCATION OF A SECURITY CLEARANCE OR BE A CRIMINAL OFFENSE. For example, Title 5, USC, Section 552a(i)(1) makes it a crime to wrongfully disclose individually identifiable information from a system of records protected by the Privacy Act; and Title 18, USC, Section 1905 makes it a crime for federal employees to wrongfully disclose trade secrets acquired during the course of their employment.

(c) The FBI prepublication review program is designed to implement the Employment Agreement by establishing a process by which employees and former employees who wish to make disclosures--WHETHER ORAL, ELECTRONIC, OR WRITTEN--within the scope of the agreement may request permission to do so. By its nature, the

prepublication review process contemplates a tangible expression of information. Most often this involves a writing but, regardless of the medium through which a disclosure is to be made (written, oral, electronic, etc.), an employee's obligation under the Employment Agreement is not to disclose ANY information within the scope of the agreement without written permission to do so.

1. Thus, outlines of oral presentations, drafts and manuscripts of fictional or nonfictional written works, software and other electronic works, and so forth must be submitted for prepublication review if their subject matter falls within the scope of the Employment Agreement.

2. Disclosures made in the performance of official duties are outside the scope of the prepublication review program. Official speeches, writings, and publications are reviewed and authorized by cognizant FBI officials and need not be further reviewed. (See MAOP, Part I, 1-12.)

3. Completely extemporaneous oral disclosures by their very nature cannot be reviewed in advance. This does not mean that an employee or former employee can disregard the terms of the Employment Agreement when making such disclosures; on the contrary the Agreement covers ALL disclosures, not just written ones. It does, however, mean that as a practical matter, compliance with the prepublication review program is impossible in such situations. Thus, while an employee or former employee may be held accountable for making an extemporaneous oral disclosure of information obtained during the course of FBI employment without permission to do so, he or she will not be sanctioned for failing to comply with the prepublication review program.

(d) Compliance with the prepublication review program does not relieve a current employee from the obligation to comply with the FBI's outside employment rules or the standards of Ethical Conduct for the Executive Branch. Thus, current employees must ensure that any acceptance of compensation for speaking or writing conforms to these rules and standards.)

(3) BASIC RULE (See NACF, Part I, 1-14 (6).)

(a) Current and former employees must submit to the Office of Public and Congressional Affairs (OPCA) for prepublication review any nonfiction or fiction work, regardless of the medium in which the work is to be memorialized, that they intend to publish or otherwise divulge which discusses, concerns, is based on, derived from, or otherwise relates to any data, information, files, documents, or materials acquired from or relating to FBI files or any other information acquired by virtue of official employment, duties, or status.

1. No disclosure is authorized prior to the completion of the prepublication review process. Thus, oral disclosures and disclosures of drafts, initial manuscripts, and so forth to prospective publishers, co-authors, ghost writers, attorneys, or other persons not properly authorized to have access to the information in question are prohibited if the subject of the disclosure falls within the scope of the basic rule.

2. Works that clearly have nothing to do with the FBI or its activities, investigations, mission, or which are not otherwise related to any information, documents, or materials acquired by virtue of FBI employment, duties, or status need not be submitted for review. For example, a book of children's stories, an article on stamp collecting, or an outline of a presentation on religion need not be submitted for prepublication review.

3. For further information, see 28 CFR

Section 17.144.

(4) PROCEDURES

(a) The following procedures govern the prepublication review process:

1. Submissions must be made in writing even if an oral disclosure is contemplated. Submissions must be presented to OPCA at least 30 WORK days in advance of the proposed disclosure. (Some oral presentations are not scheduled that far in advance. In such cases, the concerned employee must submit the related written materials as far in advance as possible. The Bureau will endeavor to review the material in a timely manner but disclosure is not authorized until the review is complete.)

2. OPCA will coordinate the prepublication review process for the Director. In this regard, OPCA will --

a. provide assistance to persons with questions about the prepublication review process.

b. prepare the FBI response to each request for prepublication review not later than 30 work days after the request and all related materials are received by the FBI. (The day of receipt is not counted for purposes of calculating the 30 work day period but the day of response is.)

c. screen all requests:

(i) If no further review is required, then OPCA will inform the requester in writing that the FBI has no objection to disclosure or publication of the material in question.

(ii) If further review is required, then OPCA will refer the work, in writing, to a prepublication review panel (see below), via the responsible division Assistant Director (AD), and inform the requester in writing that the work has been received and is under review.

(iii) If the request reveals that the author has breached his or her Employment Agreement by making an unauthorized disclosure prior to submitting the work for review, then OPCA will forward copies of the request and the work to the Deputy General Counsel, Litigation Branch, Office of the General Counsel (OGC) for possible institution of civil suit against the author. If the author is a current employee, then OPCA shall also forward copies to the Personnel Security Unit, National Security Division, for evaluation of the effect of the disclosure on the employee's continued trustworthiness and security clearance, and to the Office of Professional Responsibility (OPR) for further investigation. OPCA will also simultaneously pursue the actions described in subparagraphs (i) or (ii) above, as appropriate in such cases, unless directed to the contrary by OGC or OPR.

3. A prepublication review panel shall review all works referred by OPCA for further review:

a. Three panels shall be constituted. Each panel shall be comprised of one FBI employee from each of the following: the Criminal Investigative Division, the National Security Division, the Information Resources Division, the Laboratory Division, and the Training Division. Members will be appointed in writing by their respective division AD and shall serve one-year terms. Designated attorneys appointed by the General Counsel shall provide legal advice and counsel to the panels, as needed.

b. OPCA shall refer a work to a panel via the AD who, in OPCA's judgment, has the greatest interest in the subject matter of that particular work. (Advance copies of the work will be provided directly to the panel members by OPCA to permit them to begin their substantive review.) That AD shall then be responsible to OPCA, acting for the Director, for ensuring that the panel to which the work is assigned completes its review in a timely and substantively correct manner. The panel member from the division

through which the work is referred by OPCA shall act as the chairperson for the review panel for that particular work and is responsible to his or her respective AD for completing the review in a timely and substantial manner.

c. When a work is referred to a panel, each member shall review the work in question using the standards set forth below and such guidelines as may be provided by OPCA. (OPCA will provide the panel with five copies of the work at the time of the referral, one for each member.) The panel may request the assistance of any FBI employee with specialized knowledge or skills in reviewing the work. Additionally, the panel may request the assistance of personnel from other agencies or entities if the work pertains or relates to matters under the cognizance of or involves the expertise of such agencies or entities.

d. The panel may meet to discuss the work or otherwise determine how to proceed at the discretion of the chairperson. The panel will either authorize disclosure in full or provide written objections to specific portions (by page and paragraph number) specifying why the FBI should withhold permission to disclose. The chairperson shall be responsible for writing up the panel's findings but may task any member of the panel with assisting. The panel's findings must be submitted to OPCA not later than five work days before the date when the FBI response is due to the author. OPCA may presume that the panel has no objections to the work if this deadline is not met.

4. If a panel objects to disclosure of any portion of a work, OPCA shall notify the requester that the FBI withholds permission to disclose or publish the portions to which the board has objected and request such modifications as may be necessary. If the author submits corrected portions for further review, OPCA will continue to work with the requester and the concerned panel until final clearance is authorized. If a particular matter cannot be resolved, then the requester may appeal to the Director. The decision of the Director is final, except that decisions relating to the deletion of classified information may be appealed to the Deputy Attorney General per 28 CFR Section 17.144(s)(3).

5. If a current or former employee publishes or otherwise discloses information within the scope of the [redacted] without obtaining the requisite [redacted] approval, and OGC or any other FBI entity or employee learns of the violation, then they will refer the case to the Deputy General Counsel, Litigation Branch, OGC and to OPR and the Personnel Security Unit if the individual is a current employee. OGC will determine whether institution of civil suit is warranted. OPR will investigate the matter and refer the case, if warranted, for consideration of appropriate disciplinary action to the Administrative Summary Unit. The Personnel Security Unit will evaluate the effect of the disclosure on the employee's continued trustworthiness for security access and clearance.

6. Any work submitted for prepublication review is presumed to be proprietary and shall not, with the exceptions set forth in paragraph 3.c. above, be disseminated to any person not involved in the prepublication review process or in the enforcement of that process. In general this means that the work shall not be disclosed outside OPCA and the concerned prepublication review panel except on a "need-to-know" basis during the prepublication review process, and to OGC and OPR during the enforcement process. No copies of the work may be made without the approval of OPCA.

(5) STANDARDS

(a) The following standards will be observed during the review process:

1. Proposed disclosure or publication by current or former employees of the following ordinarily will be grounds for objection:

a. Information protected from agency disclosure by the Privacy Act;

b. Information that is classified or the disclosure of which could otherwise harm national security;

c. Information that reveals sensitive law enforcement, intelligence, or counterintelligence techniques, sources or methods; or that reveals the sensitive, scientific, or anti-terror techniques, scientific, or methods of other agencies or governmental entities;

d. Information that would reveal grand jury material protected from disclosure by Rule 6(e) of the Federal Rules of Criminal Procedure;

e. Information that would reveal the identity of a confidential source or informant;

f. Information that relates to any sensitive operational details or the substantive merits of any ongoing or open investigation, inquest, probe, prosecution, appeal, or case;

g. Information that consists of the proprietary information of another, including trade secrets;

h. Information pertaining to wiretaps or intercepts protected or regulated by Title III (Title 18, USC, Sections 2510-2520);

i. Information pertaining to currency transaction reports regulated or protected by Title 31, USC, Section 5319;

j. Tax return information regulated or protected by Title 26, USC, Section 6103;

k. Information pertaining to contractor bids or proposals or source-selection information before the award of the procurement contract to which the information relates;

l. Information protected from disclosure by any other federal statute or regulation; and

m. Information exempt from disclosure under the Freedom of Information Act (Title 5, USC, Section 552) unless the material is clearly already in the public domain.

2. No objection to disclosure or publication by a current or former employee will be interposed solely because a work is critical or disparaging of the FBI, the government, or its officers and employees. If, however, a work by A CURRENT EMPLOYEE contains material the disclosure of which would adversely affect the ability of the FBI to effectively and efficiently fulfill its responsibilities to the public (including speech concerning private grievances or that impairs discipline or harmony among co-workers or exerts a detrimental impact on close working relationships for which personal loyalty and confidence are necessary), then the declarant or author shall be informed that disclosure or publication may result in adverse consequences, including disciplinary action. In other words, the FBI will not object to the disclosure or publication of such material but the declarant or author may be warned that disclosure is not without potential consequences.

3. No objection will be interposed solely because of errors (factual, grammatical, or otherwise) in the work.

Effective Date: 1997-01-16

FBI(18-cv-1129)-328

(1) OTHER LAWS AND REGULATIONS, Part 1, 1-16 (Outside Employment); 1-19 (Political Activities); 1-26 (Employee Public Speech Rights and Obligations); 1-27 (Service as an Expert Witness); 20-6 (Outside Employment); and 20-26.3 (Administration and Requirements of PTAP). See also 28 CFR Section 17.144 (NonDisclosure of Classified Information) and 5 CFR Part 2635 (Standards of Conduct).

(2) BACKGROUND (See MAOP, Part 1, 1-14 (4).)

(a) This section promulgates regulations and provides guidance on the FBI's prepublication review program. It applies to both current and former employees and is meant to regulate individual conduct as well as to set forth organizational policy.

(b) As a condition of employment, all FBI personnel signed an "Employment Agreement" (FD-291) in which they promised to never divulge, publish, reveal, or otherwise disclose any information or material from or relating to FBI files or any other information acquired by virtue of their official employment, duties, or status, without the written permission of the Director. Each employee also promised to present the full text of any proposed disclosure in writing for the Director's consideration at least 30 days in advance of the proposed disclosure. BREACH OF THESE OBLIGATIONS IS GROUNDS FOR DISCIPLINARY ACTION, A CIVIL SUIT AGAINST THE OFFENDER, OR BOTH. IN SOME INSTANCES, UNAUTHORIZED DISCLOSURE MAY ALSO CONSTITUTE CAUSE FOR REVOCATION OF A SECURITY CLEARANCE OR BE A CRIMINAL OFFENSE. For example, Title 5, USC, Section 552a(i)(1) makes it a crime to wrongfully disclose individually identifiable information from a system of records protected by the Privacy Act; and Title 18, USC, Section 1905 makes it a crime for federal employees to wrongfully disclose trade secrets acquired during the course of their employment.

(b) The FBI prepublication review program is designed to implement the Employment Agreement by establishing a process by which employees and former employees who wish to make disclosures--WHETHER ORAL, ELECTRONIC, OR WRITTEN--within the scope of agreement may request permission to do so. By its nature, the prepublication review process contemplates a tangible expression of information. Most often this involves a writing but, regardless of the medium through which a disclosure is to be made (written, oral, electronic, etc.), an employee's obligation under the Employment Agreement is NOT to disclose ANY information within the scope of the agreement without written permission to do so.

1. Thus, outlines of oral presentations, drafts and manuscripts of fictional or nonfictional written works, software and other electronic works, and so forth must be submitted for prepublication review if their subject matter falls within the scope of the Employment Agreement.

2. Disclosures made in the performance of official duties are outside the scope of the prepublication review program. Official speeches, writings, and publications are reviewed and authorized by cognizant FBI officials and need not be further reviewed. (See MAOP, Part 1, 1-12.)

3. Completely extemporaneous oral disclosures by their very nature cannot be reviewed in advance. This does not mean that an employee or former employee can disregard the terms of the Employment Agreement when making such disclosures; on the contrary the Agreement covers ALL disclosures, not just written ones. It does, however, mean that as a practical matter, compliance with the prepublication review program is impossible in such situations. Thus, while an employee or former employee may be held accountable for making an extemporaneous oral disclosure of information obtained during the course of FBI employment without permission to do so, he or she will not be sanctioned for failing to comply with the prepublication review program.

d) Compliance with the prepublication review program does not relieve a current employee from the obligation to comply with the FBI's outside employment rules or the Standards of Ethical Conduct for the Executive Branch. Thus, current employees must ensure that any acceptance of compensation for speaking or writing conforms to these rules and standards.

(3) BASIC RULE (See MAOP, Part 1, 1-14 (5).)

(a) Current and former employees must submit to the Office of Public and Congressional Affairs (OPCA) for prepublication review any nonfiction or fiction work, regardless of the medium in which the work is to be memorialized, that they intend to publish or otherwise divulge which discusses, concerns, is based on, derived from, or otherwise relates to any data, information, files, documents, or materials acquired from or relating to FBI files or any other information acquired by virtue of official employment, duties, or status.

1. No disclosure is authorized prior to the completion of the prepublication review process. Thus, oral disclosures and disclosures of drafts, initial manuscripts, and so forth to prospective publishers, co-authors, ghost writers, Attorneys, or other persons not properly authorized to have access to the information in question are prohibited if the subject of the disclosure falls within the scope of the basic rule.

2. Works that clearly have nothing to do with the FBI or its activities, investigations, mission, or which are not otherwise related to any information, documents, or materials acquired by virtue of FBI employment, duties, or status need not be submitted for review. For example, a book of children's stories, an article on stamp collecting, or an outline of a presentation on religion need not be submitted for prepublication review.

3. For further information, see 28 CFR Section 17.144.

(4) PROCEDURES

(A) The following procedures govern the prepublication review process:

1. Submissions must be made in writing even if an oral disclosure is contemplated. Submissions must be presented to OPCA at least 30 WORKDAYS in advance of the proposed disclosure. (Some oral presentations are not scheduled that far in advance. In such cases, the concerned employee must submit the related written materials as far in advance as possible. The Bureau will endeavor to review the material in a timely manner but disclosure is not authorized until the review is complete.)

2. OPCA will coordinate the prepublication review process for the Director. In this regard, OPCA will --

- a. provide assistance to persons with questions about the prepublication review process.

- b. prepare the FBI response to each request for prepublication review not later than 30 workdays after the request and all related materials are received by the FBI. (The day of receipt is not counted for purposes of calculating the 30 work day period but the day of response is.)

- c. screen all requests:

- (i) If no further review is required, then OPCA will inform the requester in writing that the FBI has no objection to disclosure or publication of the material in question.

- (ii) If further review is required, then OPCA will refer the work, in writing, to a prepublication review panel (see below), via the responsible division Assistant Director (AD), and inform the requester in writing

that the work has been received and is under review.

(iii) If the request reveals that the author has breached his or her Employment Agreement by making an unauthorized disclosure prior to submitting the work for review, then OPCA will forward copies of the request and the work to the Deputy General Counsel, Litigation Branch, Office of the General Counsel (OGC) for possible institution of civil suit against the author. If the author is a current employee, then OPCA shall also forward copies to the Personnel Security Unit, National Security Division, for evaluation of the effect of the disclosure on the employee's continued trustworthiness and security clearance, and to the Office of Professional Responsibility (OPR) for further investigation. OPCA will also simultaneously pursue the actions described in subparagraphs (i) or (ii) above, as appropriate in such cases, unless directed to the contrary by OGC or OPR.

3. A prepublication review panel shall review all works referred by OPCA for further review:

a. Three panels shall be constituted. Each panel shall be comprised of one FBI employee from each of the following: the Criminal Investigative Division, the National Security Division, the Counterterrorism Division, the Investigative Services Division, the Information Resources Division, the Laboratory Division, and the Training Division. Members will be appointed in writing by their respective division AD and shall serve one-year terms. Designated attorneys appointed by the General Counsel shall provide legal advice and counsel to the panels, as needed.

b. OPCA shall refer a work to a panel via the AD who, in OPCA's judgment, has the greatest interest in the subject matter of that particular work. (Advance copies of the work will be provided directly to the panel members by OPCA to permit them to begin their substantive review.) That AD shall then be responsible to OPCA, acting for the Director, for ensuring that the panel to which the work is assigned

completes its review in a timely and substantively correct manner. The panel member from the division through which the work is referred by OPCA shall act as the chairperson for the review panel for that particular work and is responsible for ensuring that the respective AD for completing the review in a timely and substantively correct manner.

c. When a work is referred to a panel, each member shall review the work in question using the standards set forth below and such guidelines as may be provided by OPCA. (OPCA will provide the panel with seven copies of the work at the time of the referral, one for each member.) The panel may request the assistance of any FBI employee with specialized knowledge or skills in reviewing the work. Additionally, the panel may request the assistance of personnel from other agencies or entities if the work pertains or relates to matters under the cognizance of or involves the expertise of such agencies or entities.

d. The panel may meet to discuss the work or otherwise determine how to proceed at the discretion of the chairperson. The panel will either authorize disclosure in full or provide written objections to specific portions (by page and paragraph number) specifying why the FBI should withhold permission to disclose. The chairperson shall be responsible for writing up the panel's findings but may task any member of the panel with assisting. The panel's findings must be submitted to OPCA not later than five workdays before the date when the FBI response is due to the author. OPCA may presume that the panel has no objections to the work if this deadline is not met.

4. If a panel objects to disclosure of any portion of a work, OPCA shall notify the requester that the FBI withholds permission to disclose or publish the portions to which the board has objected and request such modifications as may be necessary. If the author submits corrected portions for further review, OPCA will continue to work with the requester and the concerned panel until final clearance is authorized. If a particular matter cannot be resolved, then the requester may appeal to the Director. The decision of the Director is final, except that decisions relating to the deletion of classified

information may be appealed to the Deputy Attorney General per 28 CFR Section 17.144(s)(3).

5. If a current or former employee publishes or otherwise discloses information within the scope of the Employment Agreement without obtaining the requisite FBI authorization, and OPCA (or any other FBI entity or employee) learns of the violation, then they will refer the case to the Deputy General Counsel, Litigation Branch, OGC and to OPR and the Personnel Security Unit if the individual is a current employee. OGC will determine whether institution of civil suit is warranted. OPR will investigate the matter and refer the case, if warranted, for consideration of appropriate disciplinary action to the Adjudication Unit. The Personnel Security Unit will evaluate the effect of the disclosure on the employee's continued trustworthiness for security access and clearance.

6. Any work submitted for prepublication review is presumed to be proprietary and shall not, with the exceptions set forth in paragraph 3.c. above, be disseminated to any person not involved in the prepublication review process or in the enforcement of that process. In general this means that the work shall not be disclosed outside OPCA and the concerned prepublication review panel except on a "need-to-know" basis during the prepublication review process, and to OGC and OPR during the enforcement process. No copies of the work may be made without the approval of OPCA.

(5) STANDARDS

(a) The following standards will be observed during the review process:

1. Proposed disclosure or publication by Current or former employees of the following ordinarily will be grounds for objection:

a. Information protected from agency disclosure by the Privacy Act;

b. Information that is classified or the disclosure of which could otherwise harm national security;

c. Information that reveals sensitive law enforcement, intelligence, or counterintelligence techniques, sources or methods; or that reveals the sensitive, confidential, or proprietary techniques, sources, or methods of other agencies or governmental entities;

d. Information that would reveal grand jury material protected from disclosure by Rule 6(e) of the Federal Rules of Criminal Procedure;

e. Information that would reveal the identity of a confidential source or informant;

f. Information that relates to any sensitive operational details or the substantive merits of any ongoing or open investigation, inquest, probe, prosecution, appeal, or case;

g. Information that consists of the proprietary information of another, including trade secrets;

h. Information pertaining to wiretaps or intercepts protected or regulated by Title III (Title 18, USC, Sections 2510-2520);

i. Information pertaining to currency transaction reports regulated or protected by Title 31, USC, Section 5319;

j. Tax return information regulated or protected by Title 26, USC, Section 6103;

k. Information pertaining to contractor bids or proposals or source-selection information before the award of the procurement contract to which the information relates.

l. Information protected from disclosure by any other federal statute or regulation; and

m. Information exempt from disclosure under the Freedom of Information Act (Title 5, USC, Section 552) unless the material is clearly already in the public domain.

2. No objection to disclosure or publication by a current or former employee will be interposed solely because a work is critical or disparaging of the FBI, the government, or its officers and employees. If, however, a work by A CURRENT EMPLOYEE contains material the disclosure of which would adversely affect the ability of the FBI to effectively and efficiently fulfill its responsibilities to the public (including speech concerning private grievances or that impairs discipline or harmony among co-workers or exerts a detrimental impact on close working relationships for which personal loyalty and confidence are necessary), then the declarant or author shall be informed that disclosure or publication may result in adverse consequences, including disciplinary action. In other words, the FBI will not object to the disclosure or publication of such material but the declarant or author may be warned that disclosure is not without potential consequences.

3. No objection will be interposed solely because of errors (factual, grammatical, or otherwise) in the work.

RE: Manuscript

Page 1 of 9

RE: Manuscript

Nada Prouty [REDACTED]

Sent: Monday, July 11, 2011 10:18 AM

To: FBI/DOE/DO

b6 -2

As you recall when we spoke around May 2, 2011, I told you that I did not recall signing a predication agreement with the FBI upon my employment, and that when I filled out form 4193, the response was that "it was not located". I am not sure why, in your letter to me, you did not provide me a copy of my previous response to your initial request. Putting off the response to me is now causing unnecessary delays. Given the passage of over two months since your letter, and my manuscript, I require you to provide me a signed copy of the agreement by the end of the business day, or I will proceed to bring this matter to court.

I am providing below comments as a courtesy to your office but in no way, shape, or form am I conceding that I have a signed predication agreement with the FBI.

1. For the following names, please ensure that pseudonyms are used to protect the identity of these individuals unless the names listed below are already pseudonyms. If you have written approval from any of the above individuals to use their real names, please provide a copy of the authorization. Also, in instances when only first names are used, please ensure these names are also pseudonyms.

[REDACTED]

b6 -1

b6 -3

Response: I have modified the text in and applied pseudonyms to above names.

2. On page 96, lines 7-16, please revise the text as follows, "Firearms weren't a joke for me. I didn't come from the macho "gun culture" encouraged in the FBI. I was one of the statistically small number of agents who actually used weapons as tools to accomplish the FBI's real missions. Just the week before Rick's offensive cinematography, I was carrying a concealed submachine gun, to provide security for a fellow agent who was going to meet a potentially hostile individual, as the agent believed he would likely be instantly murdered should the situation turn bad. And yet I was so easily thrown off by Rick's juvenile joke or the range pest's "you shout like a girl" comment."

Response: The requested reduction deals with my carry of firearms in Pakistan, and specific use of the MP5 submachine gun. The FBI lists use of the MP5 on its own website: <http://www.fbi.gov/about-us/capabilities/infowar-crime>.

Alternate text: Just the week prior to Rick's offensive cinematography, I had been on the streets of a hostile foreign country with a concealed machine gun providing security for a fellow agent who was going to meet a potentially hostile individual.

3. On page 117, lines 13-17, please revise the text as follows, "I owed it to the hard work and the outstanding relationships Mike had built with local law enforcement officers. He filled me in on the details of the planned interviews. The situation required us to be extraordinarily flexible and adapt on the fly to whatever circumstances we might face."

Alternate text: We were uncertain of the specific location, duration, and other pertinent details relating to the interview.

4. On page 133, lines 4-7, please revise the text as follows, "In early 2001, I flew to Islamabad, Pakistan for one of the most important debriefings of my career. Al-Qaeda's leadership had its roots in both Pakistan and Afghanistan."

Response: Please note that this asset was a joint CIA-FBI asset. The CIA did not object on the timing of my travel. The travel is clearly documented in my passport (entry and exit) which has been entered as part of the court record, is a public record.

5. On page 139, lines 15-18, please revise the text as follows, "Important debriefings, more often than not, are long, tedious processes; given the asset's travel schedule we had been fortunate to secure a meeting, and we needed to make the most of it."

Response: Please note that this asset was a joint CIA-FBI asset. The CIA did not object on the frequency by which we met this asset.

6. On page 140, lines 15-17, please revise the text as follows, "I looked at my watch, and when I saw the date, it hit me. I had been crossing the time zones during my 48-hour flight from Washington, and the day simply got lost in mid-air literally."

Response: Please note that this asset was a joint CIA-FBI asset. The CIA did not object on the timing of my travel. The travel is clearly documented in my passport (entry and exit) which has been entered as part of the court record. The suggested edit forms an incomplete sentence.

7. On page 143, lines 1-3, please revise the text as follows, "The person I needed to move was young, scared, uneducated, and had no reason to trust me. I was traveling in a diplomatic passport, but since diplomatic immunity only applies to individuals permanently assigned to a particular country, my travels would leave me dangerously exposed to local security organizations."

Response: Please explain to my why is this edit requested. Is the information classified?

[REDACTED]

8/3/2011

b7E -1

8. On page 147, lines 18-19, please revise the text as follows: "Luckily, things went smoothly. I left our Southeast Asian hideaway and traveled with the subject of the infiltration to our next stop, an island in the Pacific Ocean."

Response: This redaction requests the removal of [REDACTED] in describing a location in the Pacific. This element is not necessary to the story and I will modify the text to remove this word.

b7E -2

9. On page 148, lines 3-10, please revise the text as follows: "While on the island, I took advantage of some free time to tour the island and do some diving. Diving was a hobby I enjoyed, but my schedule had always been too hectic to be able to devote enough time to becoming an advanced diver-something I really wanted to follow up on. I knew that Gordon was an accomplished diver, so here was another hobby we had in common. I found myself wishing I could have shared the beauty of the dive with him. My loneliness was catching up to me. All these dangerous missions and beautiful divers left me wanting. I came out to share things with."

Response: This redaction requests the removal of [REDACTED] in describing a location in the Pacific. This element is not necessary to the story and I will modify the text to remove this word.

b7E -2

10. On pages 151, 152, and 164, please remove all references pertaining to the country or locations in the country from which Zayed Safarini was rendered. The use of a euphemism such as, "undisclosed third party country" is acceptable.

Response: The country from which Zayed Safarini was rendered is in the public record, provided by his defense council [REDACTED] to the press, and may be found in Wikipedia (http://en.wikipedia.org/wiki/Pan_Am_Flight_73), The Anchorage Daily News (<http://www.adn.com/archives/index.php?id=7696.html>), CNSNEWS.COM (<http://www.cnsnews.com/node/58036>), Amnesty International (<http://www.secure.amnesty.org/doclib/asset/AMRS/1/1712001/eng/513fende-1897-111d-4d8e-04445-1196/amc511712001en.html>), The Detroit Free Press (<http://www.freepress.com/article/20110229/NEWS/01:1003290000000000>), The Full Wiki (http://www.thefullwiki.org/Pan_Am_Flight_73), numerous other media outlets, and in unclassified documents provided to me and filed with the court upon my prosecution.

b6 -3

11. On page 160, lines 2-5, please remove the sentence on line 2, beginning with "The team consisted ...", to the end of the parentheses on line 5.

Response: Please note that I do not use [REDACTED] name only his title. Also, HRT's involvement in overseas arrest are listed on FBI's website: (<http://www.fbi.gov/about-us/cpr/tactical-operations>). Alternate language: The team consisted of me, Brad, two HRT agents, a senior WFO official, and a physician. (The physician is responsible for attending to Safarini's medical needs; our team had to determine whether he was psychologically fit to be interviewed following his capture.)

b6 -1

12. On pages 160, 163 and 164 please remove all mentions of [REDACTED] on these pages. The use of a euphemism such as "team leader" is acceptable.

Response: Please note I did not use [REDACTED] name but referred to him only by his title. Is the title [REDACTED] or is his involvement classified? Alternate language: A senior WFO official.

b6 -1

13. On page 162, line 4, please revise the text as follows, "Two agents gathered around Safarini."

Response: This redaction seeks to conceal the involvement of HRT in the arrest. HRT's role assisting LEGATs and participation in overseas counterterrorism operations is listed on the FBI's website (<http://www.fbi.gov/about-us/cpr/tactical-operations>).

14. On page 190, lines 4-5, please revise the text as follows, "Ed called me into his office and told me that he was assigning me the Foley assassination case."

** See below response



b7E -3

15. On page 206, beginning on line 11, please remove all text after the word "investigation," and remove line 12 in its entirety.

** See below response

[REDACTED]

3/3/2011

b7E -1

* See below response

* See below response

•• ee bel an e... ..

* Response to Items: (14, 16, 18, 19, 20, 21, 22): Please explain to me why I cannot say that

Response: Please note that the Anthrax letter that was sent to U.S. Embassy in Islamabad is found in below and other public sites. I was a card carrying diplomatic pouch courier and I transported the suspected anthrax via a dip pouch (part of court public record).

Response: Please see response to #23.

Response: Please see response to #23

Response: The text you provided would be used.

b7E -1

The e-mail below does not imply that you do not have a prepublication agreement. To answer this question we will have to search your personnel record to see if an agreement is indicated in your record. Unfortunately we do not have this at our fingertips. Please know also that you are not approved to publish until the changes are addressed on your amendment letter and further notice is received from Prepublication.

b6 -1

b6 -2

b7E -1

[REDACTED]

b6 -1

I understand from your below email that I do not have a signed prepublication agreement with the FBI but that I do have a Classified Information Non-disclosure Agreement (or form SF-312). I'll have forward on that basis.

Thank You
Nada

From: FBI PREPUB (mailto:[REDACTED])
Sent: Friday, July 08, 2011 2:13 PM
To: Nada Prouty
Subject: RE: Manuscript

b7E -1

Nada,

We have reviewed this matter to FBI general counsel. Unofficially, if you had a clearance, you signed a non-disclosure agreement.

[REDACTED]

b6 -1

Prepublication Review Office
Records Management Division
Records Information Dissemination Section
170 Market Drive
Winchester, VA 22602
Tel: (540) 368-1607
Fax: (540) 368-4997

From: Nada Prouty ([REDACTED])
Sent: Friday, July 08, 2011 1:47 PM
To: FBI PREPUB
Subject: RE: Manuscript

b6 -1, 2

[REDACTED]

Since the response is taking longer than anticipated and given the time sensitivity, perhaps I should pose my question differently, ie a yes or a no answer. Do I have a signed prepublication agreement with the FBI?

I would appreciate an answer by end of business today.

Thank you, Nada

From: FBI PREPUB (mailto:[REDACTED])
Sent: Wednesday, June 22, 2011 2:43 PM
To: Nada Prouty
Subject: RE: Manuscript

b7E -1

Nada,

Our Prepublication Review is complete, and there are a few changes we ask that you make. An amendment letter will be mailed to you today. Feel free to contact me if you have any further questions.

[REDACTED]

b6 -1

Prepublication Review Office
Records Management Division
Records Information Dissemination Section
170 Market Drive
Winchester, VA 22602
Tel: (540) 368-1607
Fax: (540) 368-4997

From: Nada Prouty ([REDACTED])
Sent: Friday, June 17, 2011 3:17 PM
To: FBI PREPUB
Subject: RE: Manuscript

b6 -2

Hello,

My address is [REDACTED] Thanks, N

b6 -2

From: FBI PREPUB (mailto:[REDACTED])
Sent: Friday, June 17, 2011 3:23 PM
To: Nada Prouty
Subject: RE: Manuscript

b7E -1

Nada,

[REDACTED]

8/3/2011

b7E -1

We are required to mail our correspondence regarding Prepublication. Could you please provide a mailing address for us to send correspondence. Thank you.

[REDACTED]
Prepublication Review Office
Records Management Division
Records Information Dissemination Section
170 Marco Drive
Winchester, VA 22602
Tel: (540) 368-1697
Fax: (540) 368-4997

b6 -1

From: Nada Protz [mailto:[REDACTED]]
Sent: Thursday, June 16, 2011 10:41 AM
To: FBI.PREPUB
Subject: RE: Manuscript

b6 -1, 2

Hello [REDACTED]

I wanted to let you know that I have a business meeting relating to the book next Wednesday and I need the material by then. I understand the Section Chief is off this week and am disappointed that no one can sign off on this in his absence. I would appreciate you send me the material so I can receive it by Wednesday. Again, as I have told you on numerous occasions, I do not have a prepublication agreement with the FBI but I want to do the right thing. I have worked for one squad and the information is very straight forward. Despite that, I did not receive the material within the 30 working days. Thanks, N

From: FBI.PREPUB [mailto:[REDACTED]]
Sent: Monday, June 13, 2011 9:19 AM
To: Nada Protz
Subject: RE: Manuscript

b7E -1

Nada,

Sorry, I was out of the office Friday. Yes, an outside review is complete. It should not be much longer.

[REDACTED]
Prepublication Review Office
Records Management Division
Records Information Dissemination Section
170 Marco Drive
Winchester, VA 22602
Tel: (540) 368-1697
Fax: (540) 368-4997

b6 -1

From: Nada Protz [mailto:[REDACTED]]
Sent: Friday, June 10, 2011 10:11 AM
To: FBI.PREPUB
Subject: RE: Manuscript

b6 -1, 2

Hello [REDACTED]

Thank you for below information. Would you please let me know by the end of the day whether the other division completed the review. I am trying to make decisions on my next steps. Thank You, Nada

From: FBI.PREPUB [mailto:[REDACTED]]
Sent: Tuesday, June 07, 2011 12:08 PM
To: Nada Protz
Subject: RE: Manuscript

b7E -1

Hi Nada,

Actually just got an e-mail from the other division reviewing your work. They are hoping to finish their review by the end of the week. Nothing is definite, but that's more than we had yesterday. Hope this helps.

b6 -1

[REDACTED]
Prepublication Review Office
Records Management Division
Records Information Dissemination Section
170 Marco Drive
Winchester, VA 22602
Tel: (540) 368-1697
Fax: (540) 368-4997

From: Nada Protz [mailto:[REDACTED]]
Sent: Tuesday, June 07, 2011 12:08 PM
To: FBI.PREPUB

b6 -2

[REDACTED] 8/3/2011

b7E -1

Subject: RE: Manuscript

Hello [REDACTED]

b6 -1

Were you able to break the log jam with CI? Thanks, Nada

From: FBI.PREPUB (mailto:[REDACTED])
Sent: Thursday, May 13, 2011 3:39 AM
To: Nada Prouty
Subject: RE: Manuscript

b7E -1

Hi Nada,

I'm sorry, I was out of the office yesterday. I had planned to call you back shortly. Just to clarify, we did not receive your manuscript from the CIA until May 2nd. Nonetheless, rest assured we are working on your manuscript. Due to the complexity and length, several other divisions outside of records management have also asked to review your work. We are hoping to hear back shortly from these other divisions. I hope this helps to clear up any questions you may have had. Feel free to contact me with any further questions.

b6 -1

[REDACTED]
Prosecution Review Office
Records Management Division
Records Information Dissemination Section
170 Market Drive
Winchester, VA 22502
Tel: (540) 368-1667
Fax: (540) 368-1997

From: Nada Prouty [mailto:[REDACTED]]
Sent: Thursday, May 19, 2011 5:15 AM
To: FBI.PREPUB
Cc: mark@markwad.com
Subject: RE: Manuscript

b6 -1, 2

Hello [REDACTED]

I left you a message yesterday but did not hear back. It has been four weeks since submission and I welcome any news you have on the completion of the manuscript. Thanks, Nada

From: FBI.PREPUB (mailto:[REDACTED])
Sent: Friday, May 06, 2011 3:21 AM
To: Nada Prouty
Subject: RE: Manuscript

b7E -1

Hi Nada,

Yes, we did receive your manuscript. Generally we have a 30 working day deadline in terms of review response time. However, on cases that are complex and may require additional review from other divisions within the Bureau, this deadline is sometimes extended.

I hope that helps give you a ballpark. Rest assured we are working diligently on your submission. Feel free to contact me if you have any further questions.

b6 -1

[REDACTED]
Prosecution Review Office
Records Management Division
Records Information Dissemination Section
170 Market Drive
Winchester, VA 22502
Tel: (540) 368-1667
Fax: (540) 368-1997

From: Nada Prouty [mailto:[REDACTED]]
Sent: Friday, May 06, 2011 3:07 AM
To: FBI.PREPUB
Cc: mark@markwad.com
Subject: RE: Manuscript

b6 -2

Hello,

I am writing to confirm receipt of my memoire as indicated in below messages. Also, would you please give me a time estimate as to the completion of the review

Thank you,

[REDACTED] 8/3/2011

b7E -1

Nada Prouty

From: [REDACTED] b3 -1 Per CIA
 Sent: Friday, May 06, 2011 7:41 AM b6 -4
 To: [REDACTED]
 Cc: [REDACTED] b6 -2
 Subject: RE: Manuscript b3 -1 Per CIA
 b6 -4

Nada,

I apologize, the FBI did not get the email. Here is their correct address: [REDACTED]

b3 -1 Per CIA
 b6 -4

Please include [REDACTED] on all correspondence. b3 -1 Per CIA
 b6 -4
 From: Nada Prouty (mailto:[REDACTED]) b6 -2
 Sent: Friday, May 06, 2011 5:48 AM
 To: [REDACTED] b3 -1 Per CIA
 Subject: RE: Manuscript b6 -4

b3 -1 Per CIA
 b6 -4

The email you provided below for FBI does not seem to be a functioning one. Would you please provide me with the correct email? Thanks, N

From: [REDACTED] b3 -1 Per CIA
 Sent: Friday, April 29, 2011 7:01 AM b6 -4
 To: [REDACTED] b6 -2
 Cc: [REDACTED] b3 -1 Per CIA
 Subject: RE: Manuscript b6 -4
 Nada, b7E -1

I apologize for the confusion. When I called the FBI prepublication review office yesterday, they confirmed that you do have an obligation to submit your manuscript to them for review. Even if you did not have this prior obligation, PRB would have to share your manuscript with the FBI prepublication review office because it contains FBI equities. If you would prefer that PRB request the FBI send their response to PRB and we send a response to you containing both the responses of FBI and CIA, PRB is willing to do that. However, it may result in a more lengthy review and coordination process that would result in a less timely response to you.

Please let us know if you would like us to coordinate or if you'd prefer a timely answer by receiving separate responses.

Sincerely,

PRB staff

Please include [REDACTED] on all correspondence. b3 -1 Per CIA
 b6 -4
 From: Nada Prouty (mailto:[REDACTED]) b6 -2
 Sent: Thursday, April 28, 2011 9:10 PM
 To: [REDACTED] b3 -1 Per CIA
 Subject: Re: Manuscript b6 -4

Hello [REDACTED] b3 -1 Per CIA
 b6 -4

I am very confused. I had a long discussion on the phone with [REDACTED] from your office and he specifically told me that the CIA would be giving me the final manuscript that is reviewed by both the FBI and CIA. I explained to [REDACTED] that I had contacted the FBI prior to sending my manuscript to you to see whether I had a prepublication agreement and was informed that they did not have one for me. If you are not going to be my interface with the FBI (as [REDACTED] specifically said and something I was surprised by) then I would ask that you not send them anything. Please inform me immediately.

b3 -1 Per CIA
 b6 -4

Nada

Sent from my iPad

On Apr 28, 2011, at 2:05 PM, [REDACTED] wrote:

b3 -1 Per CIA
 b6 -4

Nada,

FBI's review response will be separate from that of CIA's Prepublication Review Board. Due to your prepublication review obligation with the FBI, PRB sent your manuscript directly to their prepublication review office. If you have any questions regarding their review or your obligation, please contact them directly at [REDACTED]

b7E -1

8/3/2011

b7E -1

If you have any questions regarding PRB's review, please contact us either at [redacted] or [redacted]

b3 -1 Per CIA

b6 -4

Sincerely,
PRB Staff

Please include [redacted] on all correspondence.

b3 -1 Per CIA

b6 -4

From: Nada Prouty (mailto:[redacted])

b6 -2

Sent: Wednesday, April 20, 2011 7:21 PM

To: [redacted]

b3 -1 Per CIA

Subject: Manuscript

b6 -4

Hello,

Per instruction from a very helpful PRB person, I am providing you with below requested information relating to reviewing a manuscript:

I am a former employee of the Near East South Asia Division who returned in 2007. My name and address: Nada Prouty [redacted]
[redacted] My home number is [redacted] I am attaching the manuscript that I need to be reviewed by May 1, 2011.

b6 -2

For some background, this manuscript is a memoir of my life in Lebanon, my immigration to the US, my work at both FBI and CIA, and my legal case. For ease of reference, I am highlighting aforementioned areas.

** If you have any questions about any of my FBI cases or any other questions please feel free to contact me ANY time. I appreciate your help.

Chapter One: CIA work in Baghdad. Pages: 1-7

Chapter Two: Growing up in Lebanon. Pages: 8-33 (Not related to any USG work)

Chapter Three: Growing up in Lebanon. Pages 34-53 (Not related to any USG work)

Chapter Four: Immigrant to US: Pages 54-82 (Not related to any USG work)

Chapter Five: Applying to the FBI, training, etc. Pages 84-109. The FBI application process is unclassified and subject to many books, blogs, documentaries, and other public sites.

Chapter Six: FBI work Safarini. Pages 110-127. * See below

Chapter Seven: More FBI work USS Cole. Pages 128-155 (I have awards and recommendations relating to my work on the USS COLE. Please let me know if you need them.)

Chapter Eight: More FBI work + Safarini. Pages 156- 173 (Chibassa criminal case briefly mentioned) *** See below

Chapter Nine: Lebanon life flashback - FBI work on Foley murder. Pages 179-211 ** See below

Chapter Ten: FBI work + moving to CIA + CIA work. Pages 212- 241

Chapter Eleven: Family drama + legal impact. Pages 242- 268 (Not related to any USG work)

Chapter Twelve: Legal case. Pages: 269-312 (Not related to any USG work)

*Safarini

The Safarini criminal case is a major FBI case with a voluminous court file. My involvement in the case is clearly documented in unclassified FBI documents and other public venues

Confession in Adiala: Detailed in letter to judge Cohn by [redacted]

Arrest: Detailed in FBI award and below links (I have the award letter if you need it)

Case narrative: Detailed in below links

b6 -3

- [redacted] letter (It also mentions my exfiltration work) Please let me know if you need it.
- Letter of reward
- FBI FOIA. Documents that describe my involvement in the case.
- <http://www.google.com/search?q=safarini&ie=utf-8&oe=utf-8&aq=t&rlz=3corg.mozilla:en-US:official&client=firefox-a>
- http://en.wikipedia.org/wiki/Pan_Am_Flight_73
- http://www.justice.gov/isand/victim_Witness_Assistance/files/factmfm.pdf
- http://www.justice.gov/isand/victim_Witness_Assistance/files/sentg_memo.pdf
- <http://www.cnn.com/2001/04/06/am.buacker.us.custody.html>
- <http://www.unesco.org/archives/asset/AMR411713001/obj13/eng-18b9-11.ki-048c-f3d44c6113a.amr411712001.m.html> (arrested in Bangkok, Thailand)
- <http://www.google.com/search?q=fbi+safarini+arrested+in+thailand&ie=utf-8&oe=utf-8&aq=t&rlz=3corg.mozilla:en-US:official&client=firefox-a>

3/3/2011

b7E -1



U.S. Department of Justice

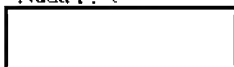
Federal Bureau of Investigation

Records Management Division

Winchester, VA 22602-4841

June 22, 2011

Nada Prouty



b6 -2

Re: Nada Prouty Manuscript

Dear Ms. Prouty:

This letter is in response to the submission of your manuscript received for review on May 2, 2011, pursuant to the Federal Bureau of Investigation's (FBI) Prepublication Review Policy (PRP) and the Prepublication Review Manual (POL05-0001-RMD).

This manuscript was reviewed pursuant to the terms of the PRP and the reviewer noted the following listed matters which require amendment/correction.

1. For the following names, please insure that pseudonyms are used to protect the identity of these individuals unless the names listed below are already pseudonyms. If you have written approval from any of the above individuals to use their real names, please provide a copy of the authorization. Also, in instances when only first names are used, please ensure these names are also pseudonyms.



b6 -3

2. On page 96, lines 7-16, please revise the text as follows, "Firearms weren't a joke for me. I didn't come from the macho "gun culture" encouraged in the FBI. I was one of the statistically small number of agents who actually used weapons as tools to accomplish the FBI's real missions. Just the week before Rick's offensive cinematography, I was carrying a concealed submachine gun, to provide security for a fellow agent who was going to meet a potentially hostile individual, as the agent, believed he would likely be instantly murdered should the situation turn bad. And yet I was so easily thrown off by Rick's juvenile joke or the range pest's "you shoot like a girl" comment."

3. On page 117, lines 13-17, please revise the text as follows, "I owed it to the hard work and the outstanding relationships Mike had built with local law enforcement officers. He filled me in on the details of the planned interviews. The situation required us to be extraordinarily flexible and adapt on the fly to whatever circumstances we might face."

4. On page 138, lines 4-7, please revise the text as follows, "In early 2001, I flew to Islamabad, Pakistan for one of the most important debriefings of my career. Al-Qaeda's leadership had its roots in both Pakistan and Afghanistan."

5. On page 139, lines 15-18, please revise the text as follows, "Important debriefings, more often than not, are long, tedious processes; given the asset's travel schedule, it had been fortunate to secure a meeting, and we needed to make the most of it."

6. On page 140, lines 15-17, please revise the text as follows, "I looked at my watch, and when I saw the date, it hit me. I had been crossing the time zones during my 48-hour flight from Washington, and the day simply got lost in mid-air-literally."

7. On page 145, lines 1-5, please revise the text as follows, "The person I needed to move was young, scared, uneducated, and had no reason to trust me. I was traveling on a diplomatic passport, but since diplomatic immunity only applies to individuals permanently assigned to a particular country, my travels would leave me dangerously exposed to local security organizations."

8. On page 147, lines 18-19, please revise the text as follows, "Luckily, things went smoothly. I left our Southeast Asian hideaway and traveled with the subject of the exfiltration to our next stop, an island in the Pacific Ocean."

9. On page 148, lines 3-10, please revise the text as follows, "While on the island, I took advantage of some free time to tour the island and do some diving. Diving was a hobby I enjoyed, but my schedule had always been too hectic to be able to devote enough time to becoming an advanced diver-something I really wanted to follow up on. I knew that Gordon was an accomplished diver, so here was another hobby we had in common. I found myself wishing I could have shared the beauty of the dive with him. My loneliness was catching up to me. All these dangerous missions and beautiful stopovers left me wanting a companion to share things with."

10. On pages 159-162 and 164, please remove all references pertaining to the country or locations in the country from which Zayed Safarini was rendered. The use of a euphemism such as, "undisclosed third party country" is acceptable.

11. On page 160, lines 2-5, please remove the sentence on line 2, beginning with "The team consisted...", to the end of the parentheses on line 5.

12. On pages 160, 163 and 164 please remove all mentions of [REDACTED] on these pages. The use of a euphemism such as "team leader" is acceptable.

b6 -1

13. On page 162, line 4, please revise the text as follows, "Two agents gathered around

Safarini."

14. On page 190, lines 4-5, please revise the text as follows, "Ed called me into his office and told me that he was assigning me the Foley assassination case."



b7E -3

18. On page 206, beginning on line 11, please remove all text after the word "investigation", and remove line 12 in its entirety.

19. On page 207, lines 4-6, please revise the text as follows, "I was disappointed with myself. Sometimes I felt like my work was all I could think of and all I could do; it was my number one priority."

20. On page 208, remove the first sentence on this page in its entirety.

21. On page 208, remove the last sentence of the third paragraph, beginning on line 10 and ending on line 11.

22. On page 208, lines 13-15, revise the text as follows, "In this case, however, I said nothing. I simply sat there. In that moment, something became clear."

23. Page 235, lines 17-21, pages 236-239, and page 240, lines 1-2, reveals specific information on an event that is not public knowledge. Please remove the information in its entirety.

24. On page 240, revise lines 18-20 to read, "I felt deceived, I realized as though I, unwittingly, had played a role in the campaign that convinced the American public of the legitimacy of Operation Iraqi Freedom."

25. On page 240, revise line 21 to read, "After seeing what I did, I know that I should have followed my instincts back in 2001 and asked more questions."

25. On page 241, lines 1-5 please revise the text as follows, "And I came to believe, while rummaging around Iraq, pregnant and putting my life on the line and not finding any signs of WMD, that politics and some politicians did not hesitate to endanger both- civilians and government employees to further their causes."

For these instances where information must be removed, please submit for review any and all of your substitute language.

Should you have any questions, please do not hesitate to contact [redacted] in the prepublication office at 540-363-1697 or via e-mail at [redacted]. Thank you for your participation in the FBI's prepublication review process.

b6 -1

b7E -1

Sincerely,

David M. Hardy
Section Chief
Record/Information
Dissemination Section

FBI Prepublication Review

Hardy, David M.

Sent: Tuesday, July 12, 2011 4:07 PM

To: [REDACTED]

Cc: FBIPREPUB

b6 -2

Dear Ms. Prouty,

This is in response to your most recent e-mail to my assistant [REDACTED]

b6 -1

In response to your assertion that the prepublication review process does not apply to you, I note that you already received your personnel file through a Privacy Act request and, in the security subfile, there is a copy of both a SF 312 and SF 4414 that you signed. The terms of those agreements state that you agree not to make an unauthorized disclosure of classified information and that the FBI may invoke a number of remedies in such an instance. To be clear, the publication of your current manuscript would be considered an unauthorized disclosure of classified information.

The prepublication process is designed to assist you in meeting the terms of these agreements. We search for common ground so that both author and agency are satisfied. The tone of your manuscript is irrelevant. We try to complete our review as expeditiously as possible, but, in the instance of complex and sensitive topics, we require subject matter expert review. In addition, at any given time we are reviewing a number of manuscripts. I assure you that we have been working diligently to complete your review.

Your review is almost complete. We will review your suggested edits as soon as possible.

Sincerely,
David M. Hardy
SC, RIDS/RMD

[REDACTED]

11/3/2011

b7E -1

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 8-2-11 BY 60322 ucj/pj/m



U.S. Department of Justice

Federal Bureau of Investigation

Records Management Division

Winchester, VA 22602-4843

July 25, 2011

Nada Prouty

b6 -2

Re: Nada Prouty Manuscript

Dear Ms. Prouty:

This letter is in response to the submission of your manuscript received for review on May 2, 2011, pursuant to the Federal Bureau of Investigation's (FBI) Prepublication Review Policy (PRP) and the Prepublication Review Manual (POL05-0001-RMD).

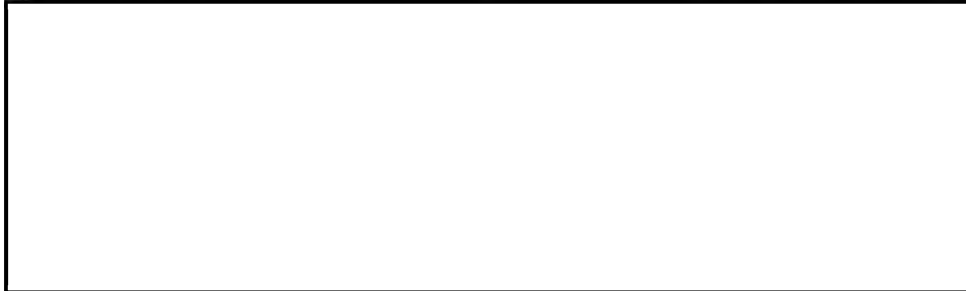
This letter addresses the questions you raised in your e-mail dated July 11, 2011.

1. The use of pseudonyms for the names mentioned in our letter dated June 22, 2011 is approved.
2. Your alternate text for the suggested change on page 96, lines 7-16, is approved.
3. Your alternate text for the suggested change on page 117, lines 13-17 is approved.
4. On page 138, lines 4-7, the CIA has no objection to this text. The FBI agrees with the CIA review in this instance and the language is approved.
5. On page 139, lines 15-18, the CIA has no objection to this text. The FBI agrees with the CIA review in this instance and the language is approved.
6. On page 140, lines 15-17, the CIA has no objection to this text. The FBI agrees with the CIA review in this instance and the language is approved.
7. On page 145, lines 1-5, this edit is suggested because your original text details law enforcement sensitive information, not known to the public, that may be used to assist the circumvention of FBI efforts. Please provide a copy of this substitute language to the FBI before proceeding with publication.
8. On page 147, lines 18-19, your suggested edit is acceptable. Please provide a copy of this substitute language to the FBI before proceeding with publication.
9. On page 148, lines 3-10, your suggested edit is acceptable. Please provide a copy of this substitute language to the FBI before proceeding with publication.
10. On pages 159-162 and 164, as this information exists in the public domain, the FBI no longer objects to this information being included in your manuscript.
11. On page 160, lines 2-5, your alternate text for this suggested change is approved.

12. On pages 160, 163, and 164, your alternate text for this suggested change is approved.

13. On page 162, line 4, as this information exists in the public domain, the FBI no longer objects to this information being included in your manuscript.

14. On page 190, lines 4-5, you indicate this text was already modified as requested by the CIA. Please provide the FBI with the substitute language used in this instance before proceeding with publication.



b7E -3

18. For the listed items numbered 18-22 on your e-mail, the FBI will need to see the CIA approved language in 15-17 above.

19. For the listed items numbered 23-25 on your e-mail, as this information exists in the public domain, the FBI no longer objects to this information being included in your manuscript.

20. On page 241, lines 1-5, the use of the suggested text provided by the FBI is approved.

For those instances where information must be removed or changed, as stated above, please submit for review any non-specific substitute language. You do not have the authority to publish until this substitute language has been approved.

Should you have any questions, please do not hesitate to contact [redacted] in the prepublication office at 540-368-1697 or via e-mail at [redacted]. Thank you for your participation in the FBI's prepublication review process.

b6 -1
b7E -1

Sincerely,

David M. Hardy
Section Chief
Record/Information
Dissemination Section



U.S. Department of Justice

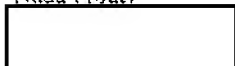
Federal Bureau of Investigation

Records Management Division

Winchester, VA 22602-4843

October 7, 2011

Nada Prouty



b6 -2


Re: Nada Prouty Manuscript

Dear Ms. Prouty:

This letter is in response to the submission of your manuscript received for review on May 2, 2011, pursuant to the Federal Bureau of Investigation's (FBI) Prepublication Review Policy (PRP) and the Prepublication Review Manual (POL05-0001-RMD).

This letter addresses your e-mail dated August 2, 2011. In response to your letter, the FBI conducted a second classification review which was completed on August 31, 2011.

Items of concern discovered during our second classification review:

1. On Page 110, line 18, please remove the mention of 
2. On Page 175, lines 5 and 6, please remove the sentence beginning with the word "I" and ending with the word "Michigan."

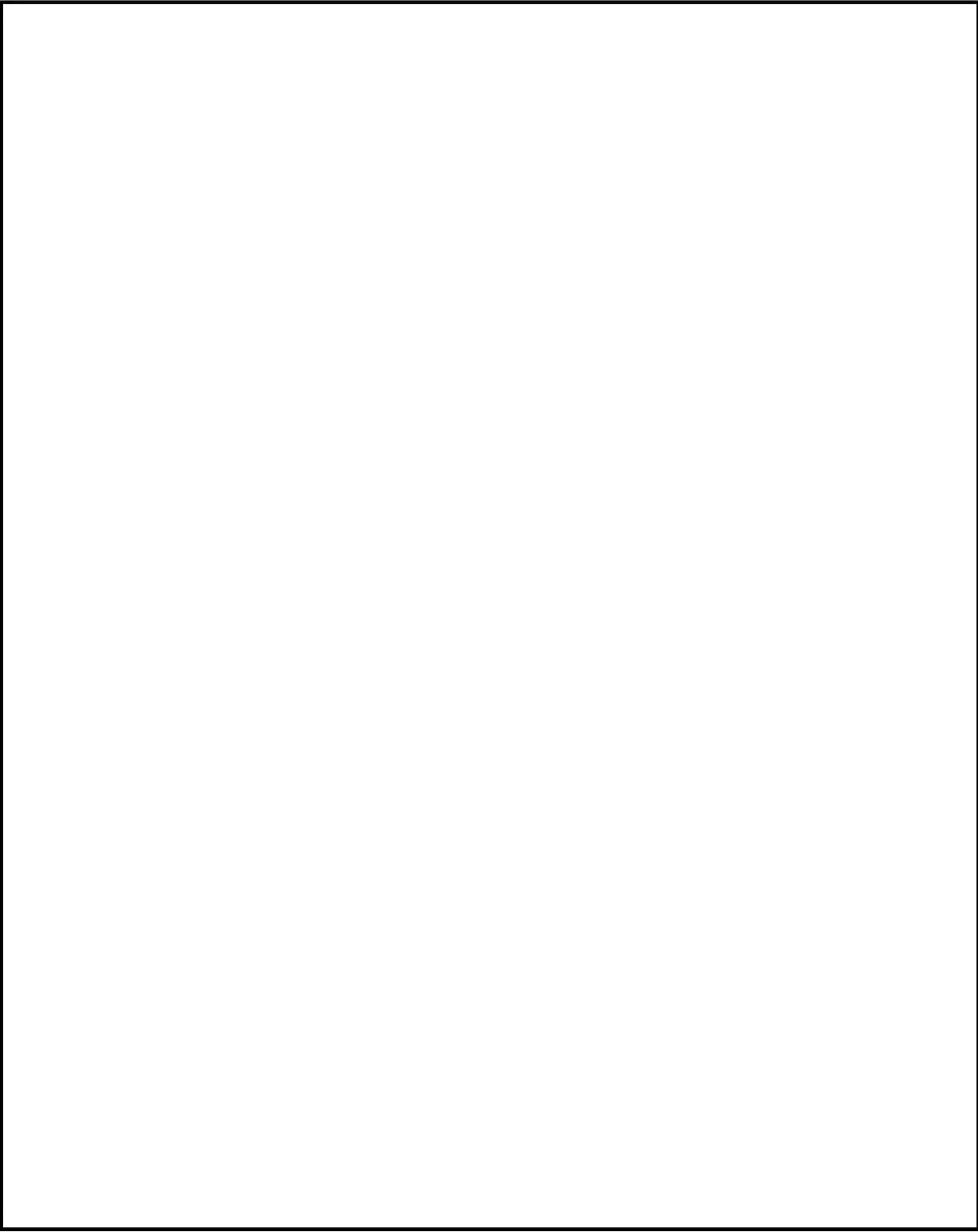
b7D -1

Items of concern regarding your e-mail of August 2, 2011:

1. On page 145, lines 1-5, this edit you mention does not correspond with our concern for this page. Please see our letter to you dated June 22, 2011 for the exact text we ask that you revise.
2. On page 147, lines 18-19, your alternate text for this suggested change is approved.
3. On page 148, lines 3-10, your alternate text for this suggested change is approved.
- 4A. On page 190, lines 4-5, you indicate this text was already modified as requested by the CIA. After review of this text, the FBI no longer objects to this information being included in your manuscript.



b7E -3



b7E -3

- 2 -

[REDACTED]

b7E -3

For those instances where information must be removed or changed, as stated above, please submit for review any non-specific substitute language. You do not have the authority to publish until this substitute language has been approved.

In addition, as your manuscript contains classified information, please ensure that with all copies of the manuscript currently in your possession, no housing classified information is prohibited. Also, please delete all classified portions from any and all personal computers which may contain the manuscript.

Should you have any questions, please do not hesitate to contact [REDACTED] in the prepublication office at 540-863-1697 or via e-mail at [REDACTED]. Thank you for your participation in the FBI's prepublication review process.

b6 -1
b7E -1

Sincerely,

David M. Hardy
Section Chief
Record/Information
Dissemination Section

[REDACTED] P.C.
ATTORNEY-AT-LAW

[REDACTED]

b6 -3

TELEPHONE [REDACTED]
FACSIMILE [REDACTED]

[REDACTED] MANAGING PARTNER (admitted in NY, CT, DC, MD)
E-MAIL [REDACTED]
[REDACTED] ASSOCIATE (admitted in IL, DC)
E-MAIL [REDACTED]
[REDACTED] OF COUNSEL (admitted in MD)
E-MAIL [REDACTED]

b6 -3

November 3, 2011

VIA E-MAIL

David M. Hardy
Section Chief
Record/Information Dissemination Section
Records Management Division
Federal Bureau of Investigation
Winchester, Virginia 22602-4843

Re: Nada Prouty Manuscript

Dear Mr. Hardy:

My client Nada Prouty has forwarded me your letter dated October 7, 2011, pertaining to the pre-publication review of her book *Uncompromised: The Rise, Fall, and Redemption of an Arab American Patriot in the CIA* (Palgrave Macmillan, 2011).

First, although your office had been informed she had relocated overseas, your last letter was sent to Ms. Prouty at her old address thereby significantly delaying its delivery. By the time it was received the publisher had already printed the book and it has no doubt already been shipped to retailers across the country in time for its scheduled publication date of November 8, 2011. Therefore, regrettably, Ms. Prouty is unable to accommodate your last minute revisions. Nevertheless, Ms. Prouty is submitting to you under separate cover a substantive response to the requested revisions.

Second, having reviewed the correspondence sent to Ms. Prouty from your office I note that the FBI conducted a re-review of already cleared and approved text. Such re-review is neither legally permitted nor appropriate, and the earlier approval was relied upon in good faith in submitting the manuscript to the publisher.

Third, it is very clear from the revisions provided to Ms. Prouty in the various letters that the FBI was inappropriately demanding the deletion or modification of text that is unclassified. As the FBI should well know it is only permitted to censor information that is properly classified.

Nothing within the SF-312 or SF-4414 that were executed by Ms. Prouty grants the FBI authority to require redaction of unclassified information, even if it might be privacy protected. Nor can the FBI promulgate any internal regulations, which I note have not been provided to Ms. Prouty, to the contrary. "The government has no legitimate interest in censoring unclassified materials," and, thus, "may not censor such material, contractually or otherwise." *McGehee v. Casey*, 718 F.2d 1137, 1141 (D.C. Cir. 1983).

Finally, should the FBI have any further issues to discuss with respect to Ms. Prouty's book, please direct them to me. I can best be reached via e-mail or on my cell at [REDACTED]

Sincerely,

[REDACTED]

b6 -3

cc: Nada Prouty

[redacted]
From: [redacted] (RMD) (FBI) b6 -1
Sent: Friday, November 04, 2011 1:58 PM
To: [redacted]
Subject: FW: Nada Prouty: "Uncompromised: The Rise, Fall, and Redemption of an Arab American Patriot in the CIA"

[redacted] - this just came in from [redacted]
[redacted]

From: Hardy, David M. b6 -1,3
Sent: Friday, November 04, 2011 1:48 PM
To: [redacted] (RMD) (FBI)
Subject: Fw: Nada Prouty: "Uncompromised: The Rise, Fall, and Redemption of an Arab American Patriot in the CIA"

From: [redacted]
To: Hardy, David M. b6 -3
Cc: [redacted]
Sent: Fri Nov 04 13:41:05 2011
Subject: Re: Nada Prouty: "Uncompromised: The Rise, Fall, and Redemption of an Arab American Patriot in the CIA"

Mr. Hardy -

Please feel free to forward to FBI OGC the name below as the attorney for the publisher of Ms. Prouty's book.

[redacted]
I look forward to receiving your clarification as to what is meant by "not public knowledge". b6 -3

Thanks.
[redacted]

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[redacted] Esq.
[redacted] P.C.
[redacted]

b6 -3

[Redacted]
[Redacted] direct
[Redacted] fax
[Redacted]

b6 -3

From: "Hardy, David M." [Redacted]
Date: Thu, 3 Nov 2011 15:31:30 -0400
To: [Redacted]
Subject: FW: Nada Prouty: "Uncompromised: The Rise, Fall, and Redemption of an Arab American Patriot in the CIA"

b6 -3
b7E -1

From: Hardy, David M.
Sent: Thursday, November 03, 2011 3:30 PM
To: [Redacted]
Subject: RE: Nada Prouty: "Uncompromised: The Rise, Fall, and Redemption of an Arab American Patriot in the CIA" b6 -3

Dear [Redacted]

I received today your letter of November 3, 2001 concerning the prepublication review of Ms. Nada Prouty's manuscript. Your letter is factually inaccurate. The FBI never cleared the language [Redacted]

[Redacted]

b7E -3

[Redacted]

b7E -3

At no time did Ms. Prouty inform this office of a publishing deadline. In addition, she never provided this office with her foreign address. It is clear from her email of November 3, 2011 that Ms. Prouty proceeded unilaterally without FBI approval. To repeat, at no time did the FBI approve [Redacted] Ms. Prouty is bound by her non-disclosure agreements and the remedies contained within them. Accordingly, I am forwarding this issue to the FBI's Office of General Counsel. b6 -3

Sincerely,
David Hardy

From: FBI.PREPUB
Sent: Thursday, November 03, 2011 11:06 AM
To: Hardy, David M. [Redacted] (RMD) (FBI)
Subject: FW: Nada Prouty: "Uncompromised: The Rise, Fall, and Redemption of an Arab American Patriot in the CIA"

b6 -1

Prepublication Review Office

Records Management Division
Record Information Dissemination Section
170 Marcel Drive
Winchester, VA 22602
Tel: (540) 868-1697
Fax: (540) 868-4997

From: [REDACTED]
Sent: Thursday, November 03, 2011 10:22 AM
To: FBI.PREF118
Cc: [REDACTED]
Subject: Nada Prouty: "Uncompromised: The Rise, Fall, and Redemption of an Arab American Patriot in the CIA"

b6 -3

Please forward the attached letter to David Hardy and appropriate FBI officials, as well as kindly confirm receipt.

Thank you.

[REDACTED]

b6 -3

This electronic mail (e-mail) transmission is meant solely for the person(s) to whom it is addressed. It contains ~~confidential~~ information that may also be legally privileged. Any copying, dissemination or distribution of the contents of this e-mail by anyone other than the addressee or his or her agent for such purposes is strictly prohibited. If you have received this e-mail in error, please notify me immediately by telephone, facsimile or e-mail and purge the original and all copies thereof. Thank you.

[REDACTED] Esq.
[REDACTED] P.C.

b6 -3

[REDACTED]
[REDACTED] direct
[REDACTED] fax
[REDACTED]

[redacted]
From: [redacted]
Sent: Friday, November 04, 2011 11:44 AM
To: [redacted] (RMD) (FBI)
Cc: [redacted]
Subject: RE: Nada Prouty: "Uncompromised: The Rise, Fall, and Redemption of an Arab American Patriot in the CIA"

b6 -1

[redacted]
[redacted] will contact you to discuss.
[redacted]

b6 -1

From: [redacted] (RMD) (FBI)
Sent: Friday, November 04, 2011 10:33 AM
To: [redacted]
Subject: RE: Nada Prouty: "Uncompromised: The Rise, Fall, and Redemption of an Arab American Patriot in the CIA"

b6 -1

[redacted]
From: [redacted]
Sent: Friday, November 04, 2011 10:32 AM
To: [redacted] (RMD) (FBI)
Subject: RE: Nada Prouty: "Uncompromised: The Rise, Fall, and Redemption of an Arab American Patriot in the CIA"

b6 -1

[redacted]
What is the best number for you?

From: [redacted] (RMD) (FBI)
Sent: Friday, November 04, 2011 8:03 AM
To: [redacted]
Subject: FW: Nada Prouty: "Uncompromised: The Rise, Fall, and Redemption of an Arab American Patriot in the CIA"

b6 -1,3

All - the email from [redacted] sent last night. Please let me know when we can discuss this matter.
Thanks
[redacted]

From: Hardy, David M.
Sent: Friday, November 04, 2011 7:48 AM
To: [redacted] (RMD) (FBI)
Subject: Fw: Nada Prouty: "Uncompromised: The Rise, Fall, and Redemption of an Arab American Patriot in the CIA"

b6 -1

From: [redacted]
To: Hardy, David M.
Cc: [redacted]
Sent: Thu Nov 03 18:08:39 2011
Subject: Re: Nada Prouty: "Uncompromised: The Rise, Fall, and Redemption of an Arab American Patriot in the CIA"

b6 -3

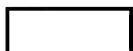
Mr. Hardy -

Thank you for your prompt response. Please inform the appropriate FBI attorney that they may contact me at their convenience if they so desire.

b7E -3



Thank you for your attention to this matter.



b6 -3

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Esq.
P.C.



b6 -3



direct
fax



From: "Hardy, David M." [redacted]

Date: Thu, 3 Nov 2011 15:31:30 -0400

To: [redacted]

Subject: FW: Nada Prouty: "Uncompromised: The Rise, Fall, and Redemption of an Arab American Patriot in the CIA"

b6 -3

b7E -1

From: Hardy, David M.

Sent: Thursday, November 03, 2011 3:30 PM

To: [REDACTED]

Subject: RE: Nada Prouty: "Uncompromised: The Rise, Fall, and Redemption of an Arab American Patriot in the CIA" b6 -3

Dear [REDACTED]

I received today your letter of November 3, 2011 concerning the prepublication review of Ms. Nada Prouty's manuscript. Your letter is factually inaccurate. The FBI never cleared the language [REDACTED]

b7E -3

b7E -3

At no time did Ms. Prouty inform this office of a publishing deadline. In addition, she never provided this office with her foreign address. It is clear from her email of November 3, 2011 that Ms. Prouty proceeded unilaterally without FBI approval. To repeat, at no time did the FBI approve [REDACTED] Ms. Prouty is bound by her non-disclosure agreements and the remedies contained within them. Accordingly, I am forwarding this issue to the FBI's Office of General Counsel.

b7E -3

Sincerely,
David Hardy

From: FBI.PREPUB

Sent: Thursday, November 03, 2011 11:06 AM

To: Hardy, David M.; [REDACTED] (RMD) (FBI)

b6 -1

Subject: FW: Nada Prouty: "Uncompromised: The Rise, Fall, and Redemption of an Arab American Patriot in the CIA"

Prepublication Review Office
Records Management Division
Record/Information Dissemination Section
170 Marcel Drive
Winchester, VA 22602
Tel: (540) 868-1697
Fax: (540) 868-4997

From: [REDACTED]

Sent: Thursday, November 03, 2011 10:22 AM

To: FBI.PREPUB

Cc: [REDACTED]

b6 -3

Subject: Nada Prouty: "Uncompromised: The Rise, Fall, and Redemption of an Arab American Patriot in the CIA"

Please forward the attached letter to David Hardy and appropriate FBI officials, as well as kindly confirm receipt.

Thank you.

b6 -3

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Esq.
P.C.

b6 -3

direct
fax